

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Preserve the Viability of Services to Maine's Citizens with Mental Retardation**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Mental Retardation Waiver - MaineCare program is facing a significant shortfall for the current fiscal year; and

**Whereas,** a significant amount of the shortfall is due to the extraordinary amount of claims paid from the account for prior fiscal years; and

**Whereas,** the shortfall has caused the Department of Health and Human Services to make dramatic cuts to services being delivered in the current fiscal year; and

**Whereas,** the Department of Health and Human Services has also been forced to close the waiver to new individuals; and

**Whereas,** this program represents the safety net for Maine's most vulnerable citizens; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. Additional federal matching assistance percentage funding; Department of Health and Human Services; authorized expenditure.** Notwithstanding any other provision of law, in the event that any temporary increase in Maine's federal matching assistance percentage exceeds \$98,800,000, the State Budget Office shall transfer up to \$15,000,000 by financial order to the Department of Health and Human Services Mental Retardation Waiver - MaineCare program upon approval of the Governor. The funds must be used for a one-time initiative to restore services to the level provided during the first half of fiscal year 2008-09.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

### **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

#### **Mental Retardation Waiver - MaineCare 0987**

Initiative: Provides funds to restore services to the level provided during the first half of fiscal year 2008-09.

**GENERAL FUND**

**2008-09**

All Other	\$15,000,000
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GENERAL FUND TOTAL	\$15,000,000

**Medical Care - Payments to Providers 0417**

Initiative: Transfers funds from the Medical Care - Payments to Providers program to provide additional funds to restore services in the Mental Retardation Waiver - MaineCare program to the level provided during the first half of fiscal year 2008-09.

<b>GENERAL FUND</b>	<b>2008-09</b>
All Other	(\$5,250,000)
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GENERAL FUND TOTAL	(\$5,250,000)

<b>FEDERAL EXPENDITURES FUND</b>	<b>2008-09</b>
All Other	(\$9,750,000)
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FEDERAL EXPENDITURES FUND TOTAL	(\$9,750,000)

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

**SUMMARY**

This emergency bill makes a one-time appropriation for the Mental Retardation Waiver - MaineCare program in the event that the temporary increase in Maine's federal matching assistance percentage exceeds \$98,800,000 to restore services that have been cut this fiscal year to pay for a shortfall in the program incurred due to the payment of claims from prior fiscal years resulting from computer problems that delayed Medicaid claims processing.